

Executive Summary – Enforcement Matter – Case No. 45086
ExxonMobil Oil Corporation
RN102450756
Docket No. 2012-1962-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ExxonMobil Beaumont Refinery, 1795 Burt Street, Beaumont, Jefferson County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2013-0587-AIR-E, 2013-0809-AIR-E, 2013-1364-AIR-E, and 2013-1906-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 25, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$126,250

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$63,125

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$63,125

Name of SEP: Texas Air Research Center

Compliance History Classifications:

Person/CN - N/A

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$75,000

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 7, 2012

Executive Summary – Enforcement Matter – Case No. 45086
ExxonMobil Oil Corporation
RN102450756
Docket No. 2012-1962-AIR-E

Date(s) of NOE(s): August 28, 2012

Violation Information

Failed to prevent unauthorized emissions. Since the emissions events could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1871, Special Terms & Conditions No. 7, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On July 24, 2012, upgraded conduit to prevent recurrence of emissions events due to same or similar causes as Incident No. 168362; and
- b. On August 13, 2012, replaced and repaired steam traps to prevent recurrence of emissions events due to same or similar causes as Incident Nos. 168311 and 169695.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Gerald Frey, Refinery Manager, ExxonMobil Oil Corporation, P.O. Box 3311, Beaumont, Texas 77704

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1962-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-----------------------------------|---|
| Respondent: | ExxonMobil Oil Corporation |
| Penalty Amount: | One Hundred Twenty-Six Thousand Two Hundred Fifty Dollars (\$126,250) |
| SEP Offset Amount: | Sixty-Three Thousand One Hundred Twenty-Five Dollars (\$63,125) |
| Type of SEP: | Contribution to a Third-Party Pre-Approved SEP |
| Third-Party Administrator: | Texas Air Research Center |
| Project Name: | <i>Flare Speciation and Air Quality Modeling</i> |
| Location of SEP: | Jefferson County |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Texas Air Research Center** for the *Flare Speciation and Air Quality Modeling* project. The contribution will be used in accordance with the SEP Agreement executed on October 30, 2009 between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to employ advanced modeling techniques to identify speciated volatile organic compounds ("VOC") emissions from the flaring operations of various chemical processes under various conditions, which will, in turn, provide a more accurate estimate of VOC emissions that include speciated VOC emissions. The Project will also identify the Combustion Efficiency ("CE") and Destruction and Removal Efficiency ("DRE") of flares under specific operating conditions and environmental conditions, which will enhance industrial expertise as to flare operation and provide TCEQ with a more accurate emissions inventory for flaring operations. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, as described in the SEP Agreement including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically

identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The SEP will utilize modeling and simulations to identify the VOC species generated and emitted at the flare under various operating conditions and environmental conditions, as well as determine the CE and DRE of the flares. This will allow better quantification of actual emissions from flaring operations. The information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Texas Air Research Center at Lamar University SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Air Research Center at Lamar University
Attention: Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

ExxonMobil Oil Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount as described in Section 2 above, and submittal of the required reporting as described in Sections 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order

ExxonMobil Oil Corporation
Agreed Order - Attachment A

has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES Assigned **4-Sep-2012**
PCW **27-Sep-2012** Screening **28-Sep-2012** EPA Due **25-May-2013**

RESPONDENT/FACILITY INFORMATION

Respondent **ExxonMobil Oil Corporation**
Reg. Ent. Ref. No. **RN102450756**
Facility/Site Region **10-Beaumont** Major/Minor Source **Major**

CASE INFORMATION

Enf./Case ID No. **45086** No. of Violations **3**
Docket No. **2012-1962-AIR-E** Order Type **Findings**
Media Program(s) **Air** Government/Non-Profit **No**
Multi-Media Enf. Coordinator **Amancio R. Gutierrez**
EC's Team **Enforcement Team 5**
Admin. Penalty \$ Limit Minimum **\$0** Maximum **\$25,000**

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$115,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement Subtotals 2, 3, & 7 **\$115,000**

Notes Enhancement for four NOV's with same/similar violations, two NOV's with dissimilar violations, 11 orders with a denial of liability, and six orders without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Culpability **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$28,750**

Economic Benefit **0.0%** Enhancement* Subtotal 6 **\$0**

Total EB Amounts **\$49**
Approx. Cost of Compliance **\$3,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$201,250**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$201,250**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$126,250**

DEFERRAL **0.0%** Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$126,250**

Screening Date 28-Sep-2012

Docket No. 2012-1962-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 45086

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 4 | 20% |
| | Other written NOVs | 2 | 4% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 11 | 220% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 6 | 150% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 2 | -2% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 2 | -4% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 388%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, two NOVs with dissimilar violations, 11 orders with a denial of liability, and six orders without a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 388%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 28-Sep-2012

Docket No. 2012-1962-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 45086

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1871, Special Terms & Conditions ("STC") No. 7, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions, as documented during a record review conducted from July 30, 2012 through August 7, 2012. Specifically, the Respondent released 34,200.2 pounds ("lbs") of volatile organic compounds ("VOC"), 60,749.47 lbs of carbon monoxide ("CO"), 10.66 lbs of hydrogen sulfide ("H₂S"), 11,802.76 lbs of nitrogen oxides ("NO_x"), and 981.54 lbs of sulfur dioxide ("SO₂") from the high pressure flare, Emission Point No. ("EPN") 60FLR_003, during an avoidable emissions event (Incident No. 168311) that began on May 10, 2012 and lasted for 114 hours and 37 minutes. The event occurred when the hydrocracker recycle compressor tripped because of condensate build-up in the 400# steam piping, resulting in flaring. The steam traps did not properly evacuate steam, resulting in a condensate build-up. The accumulated condensate was subsequently carried by the steam flow to the turbine, which shutdown on high axial thrust vibrations. This then caused the compressor to shut down and initiated the auto de-pressuring system. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OK

| | Major | Moderate | Minor |
|----------------|-------|----------|-------|
| Release Actual | | X | |
| Potential | | | |

Percent 30.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Based on the air quality analysis of modeling provided by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

5 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | X |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent completed corrective measures on August 13, 2012, prior to the August 28, 2012 NOE date.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation

Case ID No. 45086

Reg. Ent. Reference No. RN102450756

Media Air

Violation No. 1

Percent Interest 5.0

Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|-----|------|------|
| Equipment | \$1,500 | 10-May-2012 | 13-Aug-2012 | 0.26 | \$1 | \$26 | \$27 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to replace and repair steam traps. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$27

Screening Date 28-Sep-2012

Docket No. 2012-1962-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 45086

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1871, STC No. 7, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1

Violation Description

Failed to prevent unauthorized emissions, as documented during a record review conducted from July 30, 2012 through August 7, 2012. Specifically, the Respondent released 37,497.63 lbs of VOC, 33,783.15 lbs of CO, 8,574.53 lbs of H₂S, 4,729.64 lbs of NO_x, and 789,773.12 lbs of SO₂ from the coker flare, EPN 60FLR_004, during an avoidable emissions event (Incident No. 168362) that began on May 11, 2012 and lasted for 87 hours and 14 minutes. The event occurred when the coker wet gas compressor tripped, resulting in flaring. Conduit unions not being water tight allowed water to accumulate in the radial vibration probe housing causing the compressor to trip. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OK

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | X | | |
| Potential | | | |

Percent 100.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 4

4 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | X |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$100,000

Four daily events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$25,000

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | X | |
| N/A | | (mark with x) |

Notes The Respondent completed corrective measures on July 24, 2012, prior to the August 28, 2012 NOE date.

Violation Subtotal \$75,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$175,000

This violation Final Assessed Penalty (adjusted for limits) \$100,000

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation

Case ID No. 45086

Reg. Ent. Reference No. RN102450756

Media Air

Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|-----|------|------|
| Equipment | \$1,500 | 11-May-2012 | 24-Jul-2012 | 0.20 | \$1 | \$20 | \$21 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to upgrade the conduit. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$21

Screening Date 28-Sep-2012

Docket No. 2012-1962-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 45086

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1871, STC No. 7, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1

Violation Description

Failed to prevent unauthorized emissions, as documented during a record review conducted from July 30, 2012 through August 7, 2012. Specifically, the Respondent released 6,676.63 lbs of VOC, 11,853.93 lbs of CO, 16.01 lbs of H₂S, 2,303.05 lbs of NO_x, and 1,474.43 lbs of SO₂ from the high pressure flare, EPN 60FLR_003, during an avoidable emissions event (Incident No. 169695) that began on June 12, 2012 and lasted for 112 hours and 18 minutes. The event occurred when the hydrocracker recycle compressor tripped because of condensate build-up in the 400# steam piping, resulting in flaring. The steam traps did not properly evacuate steam, resulting in a condensate build-up. The accumulated condensate was subsequently carried by the steam flow to the turbine, which shutdown on high axial thrust vibrations. This then caused the compressor to shut down and initiated the auto de-pressuring system. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | x | |
| Potential | | | |

Percent 30.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 5 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | x | |
| N/A | | (mark with x) |

Notes

The Respondent completed corrective measures on August 13, 2012, prior to the August 28, 2012 NOE date.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation

Case ID No. 45086

Reg. Ent. Reference No. RN102450756

Media Air

Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Economic benefit included in Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

PUBLISHED Compliance History Report for CN600920748, RN102450756, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

| | | | | | |
|---|--|-------------------------|----------------|----------------|-------|
| Customer, Respondent, or Owner/Operator: | CN600920748, ExxonMobil Oil Corporation | Classification: | NOT APPLICABLE | Rating: | N/A |
| Regulated Entity: | RN102450756, EXXONMOBIL BEAUMONT REFINERY | Classification: | SATISFACTORY | Rating: | 25.49 |
| Complexity Points: | 0 | Repeat Violator: | NO | | |
| CH Group: | 02 - Oil and Petroleum Refineries | | | | |
| Location: | 1795 BURT ST BEAUMONT, TX 77701-6312, JEFFERSON COUNTY | | | | |
| TCEQ Region: | REGION 10 - BEAUMONT | | | | |

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50139

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30587

AIR NEW SOURCE PERMITS REGISTRATION 10291

AIR NEW SOURCE PERMITS REGISTRATION 12139

AIR NEW SOURCE PERMITS REGISTRATION 13120

AIR NEW SOURCE PERMITS REGISTRATION 22999

AIR NEW SOURCE PERMITS REGISTRATION 26121

AIR NEW SOURCE PERMITS REGISTRATION 26860

AIR NEW SOURCE PERMITS REGISTRATION 26859

AIR NEW SOURCE PERMITS REGISTRATION 31227

AIR NEW SOURCE PERMITS REGISTRATION 33907

AIR NEW SOURCE PERMITS REGISTRATION 34963

AIR NEW SOURCE PERMITS REGISTRATION 40837

AIR NEW SOURCE PERMITS REGISTRATION 42730

AIR NEW SOURCE PERMITS REGISTRATION 42951

AIR NEW SOURCE PERMITS REGISTRATION 43433

AIR NEW SOURCE PERMITS REGISTRATION 44038

AIR NEW SOURCE PERMITS PERMIT 49138

AIR NEW SOURCE PERMITS REGISTRATION 102097

AIR NEW SOURCE PERMITS REGISTRATION 90127

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992

AIR NEW SOURCE PERMITS REGISTRATION 72569

AIR NEW SOURCE PERMITS REGISTRATION 74552

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX799

AIR NEW SOURCE PERMITS REGISTRATION 92941

AIR NEW SOURCE PERMITS REGISTRATION 79641

AIR NEW SOURCE PERMITS REGISTRATION 86452

AIR NEW SOURCE PERMITS REGISTRATION 85990

AIR NEW SOURCE PERMITS REGISTRATION 88261

AIR NEW SOURCE PERMITS REGISTRATION 90845

AIR NEW SOURCE PERMITS REGISTRATION 90733

AIR NEW SOURCE PERMITS REGISTRATION 89878

AIR NEW SOURCE PERMITS REGISTRATION 89318

AIR NEW SOURCE PERMITS REGISTRATION 85988

AIR NEW SOURCE PERMITS REGISTRATION 90917

AIR NEW SOURCE PERMITS REGISTRATION 87903

AIR NEW SOURCE PERMITS REGISTRATION 90328

AIR NEW SOURCE PERMITS REGISTRATION 91148

AIR NEW SOURCE PERMITS REGISTRATION 88127

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990797714

AIR NEW SOURCE PERMITS PERMIT 7208

AIR NEW SOURCE PERMITS REGISTRATION 11306

AIR NEW SOURCE PERMITS REGISTRATION 12817

AIR NEW SOURCE PERMITS REGISTRATION 15261

AIR NEW SOURCE PERMITS REGISTRATION 24159

AIR NEW SOURCE PERMITS REGISTRATION 27000

AIR NEW SOURCE PERMITS REGISTRATION 27539

AIR NEW SOURCE PERMITS REGISTRATION 30543

AIR NEW SOURCE PERMITS REGISTRATION 33642

AIR NEW SOURCE PERMITS REGISTRATION 34543

AIR NEW SOURCE PERMITS REGISTRATION 37234

AIR NEW SOURCE PERMITS REGISTRATION 42051

AIR NEW SOURCE PERMITS REGISTRATION 42852

AIR NEW SOURCE PERMITS REGISTRATION 43132

AIR NEW SOURCE PERMITS REGISTRATION 43675

AIR NEW SOURCE PERMITS REGISTRATION 47175

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE00671

AIR NEW SOURCE PERMITS AFS NUM 4824500018

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX932

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768M1

AIR NEW SOURCE PERMITS REGISTRATION 54487

AIR NEW SOURCE PERMITS REGISTRATION 56428

AIR NEW SOURCE PERMITS REGISTRATION 75172

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX802

AIR NEW SOURCE PERMITS REGISTRATION 78516

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992M1

AIR NEW SOURCE PERMITS REGISTRATION 85876

AIR NEW SOURCE PERMITS REGISTRATION 87029

AIR NEW SOURCE PERMITS REGISTRATION 87499

AIR NEW SOURCE PERMITS REGISTRATION 90470

AIR NEW SOURCE PERMITS REGISTRATION 91409

AIR NEW SOURCE PERMITS REGISTRATION 90859

AIR NEW SOURCE PERMITS REGISTRATION 87985

AIR NEW SOURCE PERMITS REGISTRATION 90462

AIR NEW SOURCE PERMITS REGISTRATION 91236

AIR NEW SOURCE PERMITS REGISTRATION 89728

AIR NEW SOURCE PERMITS REGISTRATION 88089

AIR NEW SOURCE PERMITS REGISTRATION 87414

AIR NEW SOURCE PERMITS REGISTRATION 87735

AIR NEW SOURCE PERMITS REGISTRATION 89812
AIR NEW SOURCE PERMITS REGISTRATION 91227
AIR NEW SOURCE PERMITS REGISTRATION 88020
AIR NEW SOURCE PERMITS REGISTRATION 91496
AIR NEW SOURCE PERMITS REGISTRATION 91853
AIR NEW SOURCE PERMITS REGISTRATION 92674
AIR NEW SOURCE PERMITS REGISTRATION 93142
AIR NEW SOURCE PERMITS REGISTRATION 92106
AIR NEW SOURCE PERMITS REGISTRATION 92401
AIR NEW SOURCE PERMITS REGISTRATION 92399
AIR NEW SOURCE PERMITS REGISTRATION 93090
AIR NEW SOURCE PERMITS REGISTRATION 93383
AIR NEW SOURCE PERMITS REGISTRATION 93629
AIR NEW SOURCE PERMITS REGISTRATION 93639
AIR NEW SOURCE PERMITS REGISTRATION 93761
AIR NEW SOURCE PERMITS REGISTRATION 93764
AIR NEW SOURCE PERMITS REGISTRATION 93964
AIR NEW SOURCE PERMITS REGISTRATION 93475
AIR NEW SOURCE PERMITS REGISTRATION 93477
AIR NEW SOURCE PERMITS REGISTRATION 93767
AIR NEW SOURCE PERMITS REGISTRATION 94162
AIR NEW SOURCE PERMITS REGISTRATION 94161
AIR NEW SOURCE PERMITS REGISTRATION 94279
AIR NEW SOURCE PERMITS REGISTRATION 94417
AIR NEW SOURCE PERMITS REGISTRATION 94612
AIR NEW SOURCE PERMITS REGISTRATION 94564
AIR NEW SOURCE PERMITS REGISTRATION 94562
AIR NEW SOURCE PERMITS REGISTRATION 94797
AIR NEW SOURCE PERMITS REGISTRATION 95642
AIR NEW SOURCE PERMITS REGISTRATION 95993
AIR NEW SOURCE PERMITS REGISTRATION 95866
AIR NEW SOURCE PERMITS REGISTRATION 98418
AIR NEW SOURCE PERMITS REGISTRATION 99039
AIR NEW SOURCE PERMITS REGISTRATION 96587
AIR NEW SOURCE PERMITS REGISTRATION 100731
AIR NEW SOURCE PERMITS REGISTRATION 102792
AIR NEW SOURCE PERMITS REGISTRATION 98893
AIR NEW SOURCE PERMITS REGISTRATION 99038
AIR NEW SOURCE PERMITS REGISTRATION 100673
AIR NEW SOURCE PERMITS REGISTRATION 99913
AIR NEW SOURCE PERMITS REGISTRATION 96630
AIR NEW SOURCE PERMITS REGISTRATION 100527
AIR NEW SOURCE PERMITS REGISTRATION 102188
AIR NEW SOURCE PERMITS REGISTRATION 103591
AIR NEW SOURCE PERMITS REGISTRATION 103059
AIR NEW SOURCE PERMITS REGISTRATION 107433
AIR NEW SOURCE PERMITS REGISTRATION 105875
WASTEWATER PERMIT WQ0003426000
AIR OPERATING PERMITS PERMIT 1999
AIR OPERATING PERMITS PERMIT 1871
AIR OPERATING PERMITS ACCOUNT NUMBER JE00671
AIR OPERATING PERMITS PERMIT 1998
AIR OPERATING PERMITS PERMIT 2036
AIR OPERATING PERMITS PERMIT 2040
AIR OPERATING PERMITS PERMIT 2042
AIR OPERATING PERMITS PERMIT 2044
AIR OPERATING PERMITS PERMIT 2046
AIR OPERATING PERMITS PERMIT 2048
AIR OPERATING PERMITS ACCOUNT NUMBER JE00671
AIR OPERATING PERMITS PERMIT 1870

AIR NEW SOURCE PERMITS REGISTRATION 87500
AIR NEW SOURCE PERMITS REGISTRATION 92224
AIR NEW SOURCE PERMITS REGISTRATION 92943
AIR NEW SOURCE PERMITS REGISTRATION 92851
AIR NEW SOURCE PERMITS REGISTRATION 86449
AIR NEW SOURCE PERMITS REGISTRATION 93188
AIR NEW SOURCE PERMITS REGISTRATION 92299
AIR NEW SOURCE PERMITS REGISTRATION 92539
AIR NEW SOURCE PERMITS REGISTRATION 93199
AIR NEW SOURCE PERMITS REGISTRATION 91602
AIR NEW SOURCE PERMITS REGISTRATION 93179
AIR NEW SOURCE PERMITS REGISTRATION 93721
AIR NEW SOURCE PERMITS REGISTRATION 94048
AIR NEW SOURCE PERMITS REGISTRATION 93623
AIR NEW SOURCE PERMITS REGISTRATION 93474
AIR NEW SOURCE PERMITS REGISTRATION 93578
AIR NEW SOURCE PERMITS REGISTRATION 94027
AIR NEW SOURCE PERMITS REGISTRATION 93762
AIR NEW SOURCE PERMITS REGISTRATION 93570
AIR NEW SOURCE PERMITS REGISTRATION 93478
AIR NEW SOURCE PERMITS REGISTRATION 94294
AIR NEW SOURCE PERMITS REGISTRATION 94268
AIR NEW SOURCE PERMITS REGISTRATION 94354
AIR NEW SOURCE PERMITS REGISTRATION 94804
AIR NEW SOURCE PERMITS REGISTRATION 94425
AIR NEW SOURCE PERMITS REGISTRATION 94341
AIR NEW SOURCE PERMITS REGISTRATION 94731
AIR NEW SOURCE PERMITS REGISTRATION 95575
AIR NEW SOURCE PERMITS REGISTRATION 95832
AIR NEW SOURCE PERMITS REGISTRATION 96019
AIR NEW SOURCE PERMITS REGISTRATION 95647
AIR NEW SOURCE PERMITS REGISTRATION 97520
AIR NEW SOURCE PERMITS REGISTRATION 98792
AIR NEW SOURCE PERMITS REGISTRATION 97110
AIR NEW SOURCE PERMITS REGISTRATION 99410
AIR NEW SOURCE PERMITS REGISTRATION 100219
AIR NEW SOURCE PERMITS REGISTRATION 99652
AIR NEW SOURCE PERMITS REGISTRATION 101372
AIR NEW SOURCE PERMITS REGISTRATION 97833
AIR NEW SOURCE PERMITS REGISTRATION 100526
AIR NEW SOURCE PERMITS REGISTRATION 98064
AIR NEW SOURCE PERMITS REGISTRATION 98524
AIR NEW SOURCE PERMITS REGISTRATION 103755
AIR NEW SOURCE PERMITS REGISTRATION 101878
AIR NEW SOURCE PERMITS REGISTRATION 102332
AIR NEW SOURCE PERMITS REGISTRATION 106444
AIR NEW SOURCE PERMITS REGISTRATION 107282
WASTEWATER EPA ID TX0118737
AIR OPERATING PERMITS PERMIT 1356
AIR OPERATING PERMITS PERMIT 2037
AIR OPERATING PERMITS PERMIT 1870
AIR OPERATING PERMITS PERMIT 2000
AIR OPERATING PERMITS PERMIT 2039
AIR OPERATING PERMITS PERMIT 2041
AIR OPERATING PERMITS PERMIT 2043
AIR OPERATING PERMITS PERMIT 2045
AIR OPERATING PERMITS PERMIT 2047
AIR OPERATING PERMITS PERMIT 2049
AIR OPERATING PERMITS PERMIT 1356
AIR OPERATING PERMITS PERMIT 1871

AIR OPERATING PERMITS PERMIT 1998
AIR OPERATING PERMITS PERMIT 2000
AIR OPERATING PERMITS PERMIT 2037
AIR OPERATING PERMITS PERMIT 2040
AIR OPERATING PERMITS PERMIT 2042
AIR OPERATING PERMITS PERMIT 2044
AIR OPERATING PERMITS PERMIT 2047
AIR OPERATING PERMITS PERMIT 2049

STORMWATER PERMIT TXR05K942

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0067I

AIR OPERATING PERMITS PERMIT 1999
AIR OPERATING PERMITS PERMIT 2036
AIR OPERATING PERMITS PERMIT 2039
AIR OPERATING PERMITS PERMIT 2041
AIR OPERATING PERMITS PERMIT 2043
AIR OPERATING PERMITS PERMIT 2046
AIR OPERATING PERMITS PERMIT 2048

PETROLEUM STORAGE TANK REGISTRATION
12825

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
(SWR) 30587

POLLUTION PREVENTION PLANNING ID NUMBER P00441

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: January 28, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 27, 2007 to September 27, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 10/25/2007 ADMINORDER 2007-0210-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to notify the commission of a reportable emission event no later than 24 hours after the discovery of the event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 1202 PERMIT
18277 PERMIT
19566, PSD-TX-768M1, and PSD-TX-932 PERMIT
49134 PERMIT
49151 PERMIT
Description: Failed to properly operate emission control equipment during normal operations, which resulted in an emission of sulfur dioxide ("SO2") above the maximum allowable emission rate.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit By Rule (Standard Exemption 69) PERMIT
Description: Emitted unauthorized emissions of hydrogen sulfide ("H2S").
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)

5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit By Rule (Standard Exemption 69) PERMIT
Description: Emitted unauthorized emissions of volatile organic carbons ("VOCs").

- 2 Effective Date: 11/19/2007 ADMINORDER 2005-1906-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with an emissions limitation.
- 3 Effective Date: 01/12/2008 ADMINORDER 2007-0729-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Self-reporting Requirements PERMIT
Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.
- 4 Effective Date: 02/18/2008 ADMINORDER 2007-0812-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with permitted emission limits. Specifically, vacuum tower off gas was rerouted to the B-2 and B-3 vacuum heaters for combustion due to the shutdown of a transfer piping line from April 11 through May 16, 2007, resulting in a total emissions release of 219,430 pounds of sulfur dioxide ("SO2") over a period of 839 hours and 43 minutes, or approximately 261 pounds per hour. The permitted hourly limit for SO2 is 2.48 pounds per hour.
- 5 Effective Date: 05/22/2008 ADMINORDER 2007-1658-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter M 116.1520(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit a completed Best Available Retrofit Technology ("BART") analysis by April 30, 2007.
- 6 Effective Date: 06/05/2008 ADMINORDER 2007-1547-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 49138 PERMIT
Description: Failed to maintain the annual 12 month rolling average limit for Volatile Organic Compound ("VOC") emissions for the CHD-1 flare, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 49138 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted April 27, 2007. Specifically, the CHD-1 flare exceeded its permitted limit of 17.98 tons per year ("tpy") during January 2006 and February 2006 with rolling averages o
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR Permit 49138 PERMIT
Description: Failed to maintain the annual 12 month rolling average limit for VOC emissions for the Low Pressure ("LP") flare, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 49138 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted April 27, 2007. Specifically, the LP flare exceeded the permitted limit of 13.13 tpy in March 2006 with a rolling average of 37.85 tpy.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 49138 PERMIT
Description: Failed to maintain the annual 12 month rolling average limit for VOC emissions for the High Pressure ("HP") flare. Specifically, the HP flare exceeded the permitted limit of 15.1 tpy in March 2006 with a rolling average of 17.7 tpy.

- 7 Effective Date: 06/19/2008 ADMINORDER 2007-1606-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent a nuisance condition.
- 8 Effective Date: 02/08/2009 ADMINORDER 2008-0821-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 49151 PERMIT
O-02041 OP
Description: Failure to limit emissions from Crude Unit A to the authorized limit found in Permit 49151.
- 9 Effective Date: 03/12/2009 ADMINORDER 2008-1230-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 19566/PSD-TX-768M1 and PSD-TX-932 PERMIT
O-02048 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
- 10 Effective Date: 08/23/2009 ADMINORDER 2008-0153-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 19566/PSD-TX-768M1/PSD-TX-49 PERMIT
46534 PERMIT
Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR_004) and the Fluid Catalytic Cracking Unit Scrubber (EPN 06STK_00) during an emissions event that began on January 12, 2007 and lasted 31 hours, releasing 45.55 tons of SO₂, 3,490 lbs of VOC, 307 lbs of NO_x, 990 lbs of H₂S, and 2,219 lbs of CO from the Coker Flare and 26.29 tons of CO from the Fluid Catalytic Cracking Unit Scrubber.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 19566/PSD-TX-768M1/PSD-TX-49 PERMIT
Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR_004) during an emissions event that began on May 6, 2007 and lasted 34 hours and 15 minutes, releasing 83.127 tons of SO₂, 7,873 lbs of VOC, 906 lbs of NO_x, 1,806 lbs of H₂S, and 6,544 lbs of CO.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 49146 PERMIT
Description: Failed to prevent unauthorized emissions from the Effluent Water Treatment System (EPN 47FUG_001) and Tank 594 (EPN 49 TIF_0594) during an emissions event that began on April 27, 2007 and lasted 27 hours and 30 minutes, releasing 48.4 lbs of benzene, a VOC, from the Effluent Water Treatment System and 633.66 lbs of VOC were released from Tank 594.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 19566 PERMIT
O-01871 OP
Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, in the Coker Unit during an emissions event (Incident No. 95371) that occurred on August 2, 2007 and lasted three hours and 50 minutes, releasing 13,796.40 lbs of SO₂, 419.20 lbs of CO, 149.90 lbs of H₂S, 57.70 lbs of NO_x, and 644 lbs of VOC.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, in the Coker Unit during an emissions event (Incident No. 95960) that occurred on August 14, 2007 and lasted 12 hours and 41 minutes, releasing 33,632.20 lbs of SO₂, 1,062.60 lbs of CO, 365.50 lbs of H₂S, 147.10 lbs of NO_x, and 1,548.35 lbs of VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, during an emissions event that began on September 18, 2007 and lasted for 72 hours and 34 minutes, releasing 79,666 lbs of SO₂, 3,750 lbs of VOC, 2,438 lbs of CO, and 865 lbs of H₂S.

11 Effective Date: 10/04/2009 ADMINORDER 2009-0568-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 19566/PSD-TX-768M1 and PSD-TX-932 PERMIT

O-02039 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 49138 PERMIT

O-01870 OP

Description: Failure to limit emissions from the CHD-1 Flare to the authorized limit found in Permit 49138.

12 Effective Date: 10/18/2009 ADMINORDER 2009-0153-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

30 TAC Chapter 101, SubChapter F 101.201(b)(9)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report on a September 28, 2003 shut down requiring two reports and seven other reports on emissions events beginning on September 4, 2003 through December 22, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event in the Gas Plant 5 East (GP5E) Unit Debutanizer Tower that began on October 8, 2003 and lasted 2 hours 51 minutes, releasing 162,511.4 lbs of butane, 165,029.5 lbs of n-isobutane, and 89.62 lbs of NO_x. Since the emissions event was not properly reported, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event in the Catalyst HydroDesulfurization - 1 Flare that began on September 23, 2003 and lasted 2 hours 23 minutes, releasing 1,113,30 lbs of H₂S. Since this emissions event was not properly reported, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report within 24 hrs of an emissions event at the FCC Unit discovered on 11/11/2003 at 19:10, but not reported to the TCEQ until 11/14/2003 at 21:01; and an emissions event at the FGR Unit discovered on

02/11/2004 at 09:10, but not reported until 02/12/2004 at 14:24. ExxonMobil also failed to submit a copy of the final report to the TCEQ no later than within two weeks after the end of the emissions event at the FCC Unit which ended on 11/11/2003 at 13:27.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18425 PERMIT

Description: Failed to prevent unauthorized emissions from the FGR Unit that began on February 11, 2004 at 09:10 hours and lasted till 16:40 hours (7 hours 30 minutes) releasing 28.18 lbs of H₂S. Since the emissions event was avoidable, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event at the Sulfur Plant 3 that began on March 9, 2004 and lasted 1 hour and 23 minutes, releasing 50.00 lbs of CO, 516.47 lbs of H₂S, 6.95 lbs of NO_x, 49,374.20 lbs of SO₂, and 19.98 lbs of VOC. In addition, results from a TCEQ air dispersion modeling audit showed the maximum predicted SO₂ ground level concentration was 0.61 ppmv during the emissions event; therefore the 30-minute average SO₂ net ground level concentration standard

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02044 OP

Permit 46534/PSD-TX-992 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, ExxonMobil released 171,709.43 lbs of unauthorized carbon monoxide and 1,551.28 lbs of unauthorized ammonia from the Carbon Monoxide Boiler Unit during an avoidable emissions event that began May 10, 2008 and lasted seven hours and 18 minutes. The root cause of the event was the boiler water feed level dropping below a safe level, causing the unit to automatically shut down. Since this emissions event could have been avoided by better oper

13 Effective Date: 06/04/2010 ADMINORDER 2009-1194-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: 24-hour Acute Biomonitoring Requirements PERMIT

Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

14 Effective Date: 10/15/2010 ADMINORDER 2010-0586-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02048, General Terms and Condition OP

FOP O-02048, Special Condition 11 OP

NSR Permit 19566, Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits.

15 Effective Date: 11/15/2010 ADMINORDER 2010-0258-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01998 General Terms and Conditions OP

FOP O-01998 Special Condition 15 OP

NSR Permit 19566, Special Condition 1 PERMIT

Published Compliance History Report for CN600920748, RN102450756, Rating Year 2012 which includes Compliance History (CH) components from September 27, 2007, through September 27, 2012.

Description: Failed to maintain an emission rate below the allowable limit for CO from the Crude B Vacuum Heater [Emission Point Number ("EPN") 05STK_002], and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the permitted rolling CO emission limit of 8.20 tpy during the January 1, 2007 through December 31, 2007 period by 15.26 tpy and during the January 1, 2008 through December 31, 2008 period by 12.92 tpy.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02041, General Terms and Condition OP
FOP O-02041, Special Condition 13 OP
NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for CO and sulfur dioxide ("SO₂") from the Atmospheric Heater B1-A (EPN 36STK_002). Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on February 29, 2008, May 13, 2008, May 16, 2008, and June 11, 2008 with a total exceedance of 68.02 lbs. In addition, the permitted SO₂ emission limit of 6.60 lbs/hr was exceeded on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 5.80 lbs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02041, General Terms and Condition OP
FOP O-02041, Special Condition 13 OP
NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for CO and SO₂ from the Atmospheric Heater B1-B (EPN 36STK_004). Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on August 10, 2008 and January 18, 2009 with a total exceedance of 10.46 lbs. In addition, the permitted SO₂ emission limit of 6.60 lbs/hr was exceeded on February 2, 2008 and February 3, 2008 with a total exceedance of 10.50 lbs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02041, General Terms and Condition OP
FOP O-02041, Special Condition 13 OP
NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for SO₂ from the Vacuum Heater B-2 (EPN 36STK_006). Specifically, the Respondent exceeded the permitted SO₂ emission limit of 2.48 lbs/hr on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 6.36 lbs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02045 General Terms and Conditions OP
FOP O-02045 Special Condition No. 13 OP
NSR Permit 49145, Special Condition 1 PERMIT

Description: Failed to comply with permitted emission limits. Specifically, during an emissions event (Incident No. 129619) that began on September 18, 2009, the Respondent failed to prevent a back-flow between the No. 1 Deethanizer Tower and No. 2 Deethanizer Tower, causing the unauthorized release of 7,957.50 lbs of propane, 21.20 lbs of ethylene, 63.50 lbs of propylene, 2,105 lbs of isobutane, 1,535.50 lbs of butane, 42.3 lbs of butene, 217.80 lbs of pentane, and 490.20 lbs of isopentane from the No. 1 De

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: General Terms and Conditions OP
NSR 49151 SC 1 OP
Special Terms and Conditions No. 13 OP

Description: Failed to maintain emission rates below the allowable limits for SO₂ from the Vacuum Heater B-3 (EPN 36STK_007), as documented during an investigation conducted on November 20, 2009. Specifically, the Respondent exceeded the permitted SO₂ emission limit of 2.48 lbs/hr on February 2, 2008 and March 2, 2008 with a total exceedance of 2.34 lbs.

- 16 Effective Date: 03/19/2011 ADMINORDER 2010-1114-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP O-02036 General Terms and Conditions OP
 FOP O-02036, Special Condition 2F OP
 Description: Failed to report an emissions event within 24 hours after the discovery. RE had an emissions event on January 9, 2010 that was not reported until January 11, 2010.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: NSR PERMIT 49138, Special Condition 13 PERMIT
 NSR Permit 49138, Special Condition 16 PERMIT
 NSR Permit 49138, Special Condition 17 PERMIT
 NSR Permit 49138, Special Condition 18 PERMIT
 Spec. Cond. 13, 16, 17, 18 PERMIT
 Description: Failed to maintain emission levels below 1.0 lb of PM per 1,000 lbs of coke burned.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP O-02036, General Terms and Condition OP
 FOP O-02036, Special Condition 11 OP
 NSR Permit 49138, Special Condition 1 PERMIT
 Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
- 17 Effective Date: 10/02/2011 ADMINORDER 2011-0374-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PSD-TX-768M1 PERMIT
 PSD-TX-932 PERMIT
 Special Condition 1 PERMIT
 Special Condition 14 OP
 Description: Failure to maintain emission rates below the allowable emission limits. EIC A8(c)(2)(A)(ii) MOD 2D

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

| | | |
|---------|-------------------|----------|
| Item 1 | October 05, 2007 | (572014) |
| Item 2 | October 08, 2007 | (571920) |
| Item 3 | October 11, 2007 | (572058) |
| Item 4 | October 15, 2007 | (574177) |
| Item 5 | October 23, 2007 | (631305) |
| Item 6 | November 07, 2007 | (508947) |
| Item 7 | November 19, 2007 | (631303) |
| Item 8 | November 20, 2007 | (595467) |
| Item 9 | December 13, 2007 | (631304) |
| Item 10 | December 28, 2007 | (610948) |

Published Compliance History Report for CN600920748, RN102450756, Rating Year 2012 which includes Compliance History (CH) components from September 27, 2007, through September 27, 2012.

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|---------|--------------------|----------|
| Item 11 | January 17, 2008 | (613632) |
| Item 12 | February 25, 2008 | (677292) |
| Item 13 | February 29, 2008 | (614701) |
| Item 14 | March 03, 2008 | (613306) |
| Item 15 | March 06, 2008 | (614501) |
| Item 16 | March 14, 2008 | (639150) |
| Item 17 | March 20, 2008 | (695967) |
| Item 18 | April 21, 2008 | (695968) |
| Item 19 | April 22, 2008 | (640288) |
| Item 20 | April 25, 2008 | (653577) |
| Item 21 | May 20, 2008 | (695969) |
| Item 22 | June 06, 2008 | (682314) |
| Item 23 | June 17, 2008 | (683447) |
| Item 24 | June 18, 2008 | (670745) |
| Item 25 | June 19, 2008 | (671251) |
| Item 26 | June 24, 2008 | (717575) |
| Item 27 | July 10, 2008 | (685796) |
| Item 28 | August 02, 2008 | (684254) |
| Item 29 | August 25, 2008 | (685007) |
| Item 30 | August 27, 2008 | (700540) |
| Item 31 | September 30, 2008 | (732905) |
| Item 32 | February 05, 2009 | (721835) |
| Item 33 | March 03, 2009 | (736939) |
| Item 34 | March 06, 2009 | (773109) |
| Item 35 | March 27, 2009 | (739156) |
| Item 36 | April 06, 2009 | (741350) |
| Item 37 | April 16, 2009 | (773110) |
| Item 38 | May 14, 2009 | (744739) |
| Item 39 | May 18, 2009 | (773112) |
| Item 40 | May 22, 2009 | (773111) |
| Item 41 | July 16, 2009 | (747896) |
| Item 42 | July 22, 2009 | (819506) |
| Item 43 | July 23, 2009 | (759123) |
| Item 44 | August 20, 2009 | (819507) |
| Item 45 | August 28, 2009 | (760750) |
| Item 46 | August 31, 2009 | (765941) |
| Item 47 | September 03, 2009 | (766203) |
| Item 48 | September 08, 2009 | (819508) |
| Item 49 | September 28, 2009 | (777659) |
| Item 50 | October 01, 2009 | (764862) |
| Item 51 | October 23, 2009 | (780020) |
| Item 52 | October 29, 2009 | (777718) |
| Item 53 | November 03, 2009 | (780848) |
| Item 54 | November 11, 2009 | (778662) |
| Item 55 | December 22, 2009 | (819511) |
| Item 56 | December 23, 2009 | (782616) |
| Item 57 | February 19, 2010 | (819504) |
| Item 58 | February 24, 2010 | (789976) |
| Item 59 | March 22, 2010 | (792703) |
| Item 60 | April 14, 2010 | (836078) |
| Item 61 | April 26, 2010 | (796278) |
| Item 62 | May 07, 2010 | (800781) |
| Item 63 | May 19, 2010 | (800571) |
| Item 64 | May 20, 2010 | (836079) |
| Item 65 | May 26, 2010 | (798629) |
| Item 66 | June 21, 2010 | (847869) |
| Item 67 | June 22, 2010 | (824891) |
| Item 68 | July 12, 2010 | (862277) |
| Item 69 | August 15, 2010 | (843986) |
| Item 70 | August 17, 2010 | (868889) |

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| Item 71 | August 18, 2010 | (868888) |
| Item 72 | September 02, 2010 | (875747) |
| Item 73 | October 12, 2010 | (883318) |
| Item 74 | October 18, 2010 | (842428) |
| Item 75 | October 29, 2010 | (872164) |
| Item 76 | November 10, 2010 | (873621) |
| Item 77 | November 12, 2010 | (889719) |
| Item 78 | November 15, 2010 | (872170) |
| Item 79 | December 15, 2010 | (898089) |
| Item 80 | December 31, 2010 | (903989) |
| Item 81 | January 03, 2011 | (886717) |
| Item 82 | February 12, 2011 | (894965) |
| Item 83 | February 22, 2011 | (910870) |
| Item 84 | February 28, 2011 | (887885) |
| Item 85 | March 06, 2011 | (918136) |
| Item 86 | March 17, 2011 | (893018) |
| Item 87 | March 31, 2011 | (939845) |
| Item 88 | April 07, 2011 | (930462) |
| Item 89 | April 15, 2011 | (907888) |
| Item 90 | April 18, 2011 | (912915) |
| Item 91 | April 26, 2011 | (907669) |
| Item 92 | April 27, 2011 | (907221) |
| Item 93 | June 10, 2011 | (912391) |
| Item 94 | June 13, 2011 | (880219) |
| Item 95 | June 28, 2011 | (933481) |
| Item 96 | June 30, 2011 | (947258) |
| Item 97 | July 19, 2011 | (954516) |
| Item 98 | August 05, 2011 | (944985) |
| Item 99 | August 11, 2011 | (944157) |
| Item 100 | August 15, 2011 | (961099) |
| Item 101 | August 16, 2011 | (936712) |
| Item 102 | August 28, 2011 | (948634) |
| Item 103 | September 08, 2011 | (967185) |
| Item 104 | October 07, 2011 | (957505) |
| Item 105 | October 12, 2011 | (958107) |
| Item 106 | October 13, 2011 | (973154) |
| Item 107 | November 28, 2011 | (979292) |
| Item 108 | November 30, 2011 | (969907) |
| Item 109 | December 09, 2011 | (970433) |
| Item 110 | January 13, 2012 | (992486) |
| Item 111 | January 17, 2012 | (986122) |
| Item 112 | January 20, 2012 | (975676) |
| Item 113 | January 25, 2012 | (982065) |
| Item 114 | February 13, 2012 | (999793) |
| Item 115 | February 17, 2012 | (976135) |
| Item 116 | February 20, 2012 | (982393) |
| Item 117 | February 29, 2012 | (988041) |
| Item 118 | March 09, 2012 | (990394) |
| Item 119 | March 12, 2012 | (1005336) |
| Item 120 | March 16, 2012 | (981556) |
| Item 121 | March 19, 2012 | (994229) |
| Item 122 | March 23, 2012 | (989958) |
| Item 123 | April 16, 2012 | (997030) |
| Item 124 | April 26, 2012 | (1011911) |
| Item 125 | May 14, 2012 | (1018279) |
| Item 126 | May 24, 2012 | (1002874) |
| Item 127 | May 25, 2012 | (1007314) |
| Item 128 | June 09, 2012 | (1003331) |
| Item 129 | June 14, 2012 | (1026004) |
| Item 130 | July 16, 2012 | (1015552) |

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| Item 131 | July 19, 2012 | (1033363) |
| Item 132 | August 22, 2012 | (1039886) |
| Item 133 | September 17, 2012 | (1048834) |
| Item 134 | September 26, 2012 | (1030855) |

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity.
A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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|---|--------------|--|----------|--------------------------|
| 1 | Date: | 12/16/2011 | (970134) | CN600920748 |
| | Self Report? | NO | | Classification: Minor |
| | Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) General terms and Conditions OP | | |
| | Description: | Failure to submit semi-annual deviation reports for Federal Operating Permit (FOP)-O-02043; FOP-O-02044; FOP-O-02046; and, FOP-O-02047; for period of August 1, 2010, through January 31, 2011, in a timely manner. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart VV 60.482-6 5C THSC Chapter 382 382.085(b) Special Condition 14 OP Special Condition 59(F) PERMIT | | |
| | Description: | Failure to conduct fugitive monitoring on 44 valves in the Hydrocracker (HDC) Unit during the 2nd and 3rd quarters of 2010. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 115, SubChapter D 115.354(11) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2) 5C THSC Chapter 382 382.085(b) Special Condition 1 OP | | |
| | Description: | Failure to monitor valves within 30 days of installation. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP Special Condition 14 OP Special Condition 9(B) PERMIT | | |
| | Description: | Failure to maintain refinery fuel gas to no more than 162 ppmv of H2S as permitted by Special Condition 9(B) of Permit 49138. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | Special Condition 20 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP | | |
| | Description: | Failure to maintain the wet gas scrubber liquid to gas ratio above 87.7 gallons per standard cubic feet (gal/kscf) as required to be maintained per the last stack test. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart VV 60.482-6 5C THSC Chapter 382 382.085(b) Special Condition 11 OP Special Condition 59(E) PERMIT | | |
| | Description: | Failure to equip open-ended lines with an appropriate sized cap, blind flange, plug, or a second valve to seal the line. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Condition 3 PERMIT Special Condition 11 OP | | |
| | Description: | Failure to submit notification within 15 days of start of construction for the FCCU light slop to main column project. | | |
| | Self Report? | NO | | Classification: Moderate |

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP

Description: Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on Isom Pretreater Charge Heater (Unit ID: 25HTR#001).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 14 OP

Description: Failure to maintain NOx emissions at 11.76 pounds per hour (lbs/hr) as permitted by SC 1 of Permit 49138.

Self Report? NO Classification: Moderate

Citation: Special Condition 16 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP

Description: Failure to maintain CO emissions at 500 ppmvd as permitted by SC 16 of Permit 49138.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report deviations in a timely manner and accurately certify the Permit Compliance Certification.

2

Date: 02/21/2012 (982076) CN600920748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 41(A) PERMIT

Description: Failure to control visible emissions from the Sulfur Plant 3 Sulfur pit.

Self Report? NO Classification: Moderate

Citation: Special Condition 36(B) PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 13 of FOP-O-01870 stat OP

Description: Failure to maintain Sulfur dioxide (SO2) emissions below the permitted limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 39 PERMIT

Description: Failure to operate SRU thermal oxidizer as permitted by Special Condition 39 of Permit 49138.

Self Report? NO Classification: Moderate

Citation: Special Condition 66(A) PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 14 OP

Description: Failure to conduct weekly carbon canister monitoring on the CAS.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 1(A) OP

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|--------------|--|-----------------|----------|
| Description: | Failure to monitor 3 valves within 30 days of installation. | Classification: | Moderate |
| Self Report? | NO | | |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THSC Chapter 382 382.085(b) General terms and Conditions OP | | |
| Description: | Failure to report deviations in a timely manner and accurately certify the Permit Compliance Certification. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Condition 3 PERMIT Special Condition 14 OP | | |
| Description: | Failure to submit notification prior to the startup of the CHD-1 Kerosene Product Cooling project. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | General Condition 3 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 14 OP | | |
| Description: | Failure to submit notification within 15 days after the end of construction of the CHD-1 Kerosene Product Cooling project. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | Special Condition 75(A) PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 14 OP | | |
| Description: | Failure to notify TCEQ at least 45 days prior to conducting stack testing on CHD 2 B-1 and B-2 heaters. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(g) 5C THSC Chapter 382 382.085(b) Special Condition 1(A) OP | | |
| Description: | Failure to repair holes discovered on the roof of Tank 4029 within 15 days of discovery. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | Special Condition 9(B) PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a) 5C THSC Chapter 382 382.085(b) Special Condition 12 OP Special Condition 13 OP | | |
| Description: | Failure to comply with the H2S emissions limit of 162 ppm, as specified in Special Condition 9(B) of Permit 49138. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 117, SubChapter G 117.8100(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1) 5C THSC Chapter 382 382.085(b) General terms and Conditions OP | | |
| Description: | Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on the south fuel gas drum. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General terms and Conditions OP | | |
| Description: | Failure to submit 30 TAC 106.261 registration for piping modifications and lube tank throughput increases by March 31, 2010. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | Special Condition 1 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 12 OP | | |

Description: Failure to comply with the Nitrogen oxides emissions limits as specified in the MAERT of Permit 49138.

- 3 Date: 03/01/2012 (987884) CN600920748
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)
5C THSC Chapter 382 382.085(b)
Special Condition 53(D) PERMIT
Description: Failure to submit tank seal gap measurement notification 30 days prior to testing.
- 4 Date: 05/30/2012 (1003343) CN600920748
Self Report? NO Classification: Moderate
Citation: Special Condition 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Description: Failure to maintain Nitrogen oxides (NOx) emissions within permitted limits as specified in the Maximum Allowable Emissions Rate Table (MAERT) of Permit 49138.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Description: Failure to collect monthly benzene samples from the North Benzene Recovery Unit (NBRU) for the monthly of June and July 2011.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 15 OP
Special Condition 16 OP
Special Condition 9(B) PERMIT
Description: Failure to maintain refinery fuel gas to no more than 162 ppmv of H2S as permitted by Special Condition 9(B) of Permit 49138.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
Special Condition 13 OP
Description: Failure to submit notification within 10 days of installation of a new vent.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report deviations in a timely manner and accurately certify the Permit Compliance Certification.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP
Description: Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on Heaters Unit IDs: 36HTR#'s 002; 004; 006; and 007.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 3 PERMIT
Special Condition 13 OP
Special Condition 16 OP
Description: Failure to submit notification within 15 days of start and end of construction.
- Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 OP
 Special Condition 66(A) PERMIT
 Description: Failure to conduct weekly carbon canister monitoring on the CAS.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 59(c) PERMIT
 Description: Failure to have a buried flange welded.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to monitor valves within 30 days of installation.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 82(A) PERMIT
 Description: Failure to continuously drain liquid level in tank 1351 during change of service.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to maintain tank vapor pressure below 11 pounds per square inch (psia) in Tank 1000.
 Self Report? NO Classification: Moderate

Citation: Special Condition 53(H)(2) PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 OP
 Description: Failure to maintain gauge pole float on the liquid on tank 2239.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.698(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to include the exception and corresponding corrective actions in the 40 CFR Part 60 subpart QQQ semi-annual report.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Condition 4 PERMIT
 Special Condition 16 OP
 Description: Failure to submit notification prior to the startup of the PTR3 naptha and Heavy duty crude heavy naptha to blending project.

5 Date: 08/07/2012 (1019333) CN600920748
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18
 40 CFR Part 63, Subpart A 63.11
 5C THSC Chapter 382 382.085(b)
 Special Condition 15(A) PERMIT
 Special Condition 7 OP
 Description: Failure to maintain the net heating value of the flare at 300 British thermal units per Standard Cubic Feet (Btu/Scf).
 Self Report? NO Classification: Moderate

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|--------------|---|-----------------|----------|
| Citation: | Special Condition 15(C) PERMIT 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 5C THSC Chapter 382 382.085(b) Special Condition 7 OP | | |
| Description: | Failure to have a smokeless flare. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a) 5C THSC Chapter 382 382.085(b) Special Condition 15(H) PERMIT Special Condition 7 OP | | |
| Description: | Failure to maintain Hydrogen sulfide (H2S) emissions below 230 milligrams per dry standard cubic meters (mg/dscm) or, 0.10 grains per dry standard cubic feet (gr/dscf). | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | Special Condition 15(B) PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3) 5C THSC Chapter 382 382.085(b) Special Condition 7 OP | | |
| Description: | Failure to have a pilot flame on Number 5 flare. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | Special Condition 66(A) PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 15 OP | | |
| Description: | Failure to conduct weekly carbon canister monitoring on the CAS. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 117, SubChapter G 117.8100(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1) 5C THSC Chapter 382 382.085(b) General terms and Conditions OP | | |
| Description: | Failure to conduct daily high span calibrations for approximately 40 days on the Continuous Emissions Monitoring System (CEMS) on the south fuel gas drum. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP Special Condition 15 OP Special Condition 9(B) PERMIT | | |
| Description: | Failure to comply with the H2S emissions limit of 162 ppm, as specified in Special Condition 9(B) of Permit 49138. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | Special Condition 29 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP | | |
| Description: | Failure to comply with the NOx and NH3 emissions limits as specified in Special Condition 29 of Permit 49138. | | |

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| 6 | Date: | 09/05/2012 (1023355) | CN600920748 |
| | Self Report? | NO | Classification: Moderate |
| | Citation: | OpR 11(a) PERMIT OpR 11(b) PERMIT | |
| | Description: | Failure by ExxonMobil Oil Corporation to handle industrial wastewater in accordance with 30 TAC Chapter 335. | |

F. Environmental audits:

Notice of Intent Date: 06/10/2008 (766059)

Published Compliance History Report for CN600920748, RN102450756, Rating Year 2012 which includes Compliance History (CH) components from September 27, 2007, through September 27, 2012.

Disclosure Date: 06/15/2009
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)
Description: Failure to include some Management of Changes in the appropriate annual registration for the years 2002-2006.

Notice of Intent Date: 07/06/2009 (762209)

Disclosure Date: 01/04/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered engine utilized to supplement Coker Unit Compressed Air Supply.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to transfer collected storm water from the old inlet canal following the landfall of Hurricane Ike.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to temporarily replace No. 1 Lift Station Electrical Pumps damaged during the landfall of Hurricane Ike.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to replace permanent pumps at the 55 Pump Station.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for four portable air compressors used to provide compressed air to the Refinery's Instrument Air System.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



| | | |
|-----------------------------------|----------|------------------------------|
| IN THE MATTER OF AN | § | BEFORE THE |
| ENFORCEMENT ACTION | § | |
| CONCERNING | § | TEXAS COMMISSION ON |
| EXXONMOBIL OIL CORPORATION | § | |
| RN102450756 | § | ENVIRONMENTAL QUALITY |

AGREED ORDER DOCKET NO. 2012-1962-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 1795 Burt Street in Beaumont, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted from July 30, 2012 through August 7, 2012, TCEQ staff documented the release of 34,200.2 pounds ("lbs") of volatile organic compounds ("VOC"), 60,749.47 lbs of carbon monoxide ("CO"), 10.66 lbs of hydrogen sulfide ("H₂S"), 11,802.76 lbs of nitrogen oxides ("NO_x"), and 981.54 lbs of sulfur dioxide ("SO₂") from the high pressure flare, Emission Point No. ("EPN") 60FLR_003, during an avoidable emissions event (Incident No. 168311) that began on May 10, 2012 and lasted for 114 hours and 37 minutes. The event occurred when the hydrocracker recycle compressor tripped because of condensate build-up in the 400# steam piping, resulting in flaring. The steam traps did not properly evacuate steam, resulting in a condensate build-up. The accumulated condensate was subsequently carried by the steam flow to the turbine, which shutdown on high axial thrust vibrations. This then caused the compressor to shut down and initiated the auto de-pressuring system. The TCEQ determined that the emissions event could have been avoided by better operational practices.
4. During a record review conducted from July 30, 2012 through August 7, 2012, TCEQ staff documented the release of 37,497.63 lbs of VOC, 33,783.15 lbs of CO, 8,574.53 lbs of H₂S, 4,729.64 lbs of NO_x, and 789,773.12 lbs of SO₂ from the coker flare, EPN 60FLR_004, during an avoidable emissions event (Incident No. 168362) that began on May 11, 2012 and lasted for 87 hours and 14 minutes. The event occurred when the coker wet gas compressor tripped, resulting in flaring. Conduit unions not being water tight allowed water to accumulate in the radial vibration probe housing causing the compressor to trip. The TCEQ determined that the emissions event could have been avoided by better operational practices.
5. During a record review conducted from July 30, 2012 through August 7, 2012, TCEQ staff documented the release of 6,676.63 lbs of VOC, 11,853.93 lbs of CO, 16.01 lbs of H₂S, 2,303.05 lbs of NO_x, and 1,474.43 lbs of SO₂ from the high pressure flare, EPN 60FLR_003, during an avoidable emissions event (Incident No. 169695) that began on June 12, 2012 and lasted for 112 hours and 18 minutes. The event occurred when the hydrocracker recycle compressor tripped because of condensate build-up in the 400# steam piping, resulting in flaring. The steam traps did not properly evacuate steam, resulting in a condensate build-up. The accumulated condensate was subsequently carried by the steam flow to the turbine, which shutdown on high axial thrust vibrations. This then caused the compressor to shut down and initiated the auto de-pressuring system. The TCEQ determined that the emissions event could have been avoided by better operational practices.
6. The Respondent received notice of the violations on August 31, 2012.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

- a. On July 24, 2012, upgraded conduit to prevent recurrence of emissions events due to same or similar causes as Incident No. 168362; and
- b. On August 13, 2012, replaced and repaired steam traps to prevent recurrence of emissions events due to same or similar causes as Incident Nos. 168311 and 169695.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact Nos. 3, 4, and 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. 01871, Special Terms & Conditions No. 7, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1. Since the emissions events could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Hundred Twenty-Six Thousand Two Hundred Fifty Dollars (\$126,250) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Sixty-Three Thousand One Hundred Twenty-Five Dollars (\$63,125) of the administrative penalty. Sixty-Three Thousand One Hundred Twenty-Five Dollars (\$63,125) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Twenty-Six Thousand Two Hundred Fifty Dollars (\$126,250) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and

conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2012-1962-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Sixty-Three Thousand One Hundred Twenty-Five Dollars (\$63,125) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramona
For the Executive Director

11/1/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of ExxonMobil Oil Corporation. I am authorized to agree to the attached Agreed Order on behalf of ExxonMobil Oil Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, ExxonMobil Oil Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Gerald S. Frey
Signature

September 3, 2013
Date

Gerald S Frey
Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

Refinery Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-1962-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-----------------------------------|---|
| Respondent: | ExxonMobil Oil Corporation |
| Penalty Amount: | One Hundred Twenty-Six Thousand Two Hundred Fifty Dollars (\$126,250) |
| SEP Offset Amount: | Sixty-Three Thousand One Hundred Twenty-Five Dollars (\$63,125) |
| Type of SEP: | Contribution to a Third-Party Pre-Approved SEP |
| Third-Party Administrator: | Texas Air Research Center |
| Project Name: | <i>Flare Speciation and Air Quality Modeling</i> |
| Location of SEP: | Jefferson County |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Texas Air Research Center** for the *Flare Speciation and Air Quality Modeling* project. The contribution will be used in accordance with the SEP Agreement executed on October 30, 2009 between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to employ advanced modeling techniques to identify speciated volatile organic compounds ("VOC") emissions from the flaring operations of various chemical processes under various conditions, which will, in turn, provide a more accurate estimate of VOC emissions that include speciated VOC emissions. The Project will also identify the Combustion Efficiency ("CE") and Destruction and Removal Efficiency ("DRE") of flares under specific operating conditions and environmental conditions, which will enhance industrial expertise as to flare operation and provide TCEQ with a more accurate emissions inventory for flaring operations. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, as described in the SEP Agreement including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically

identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The SEP will utilize modeling and simulations to identify the VOC species generated and emitted at the flare under various operating conditions and environmental conditions, as well as determine the CE and DRE of the flares. This will allow better quantification of actual emissions from flaring operations. The information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Texas Air Research Center at Lamar University SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Air Research Center at Lamar University
Attention: Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

ExxonMobil Oil Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount as described in Section 2 above, and submittal of the required reporting as described in Sections 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order

ExxonMobil Oil Corporation
Agreed Order - Attachment A

has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.